

# **Norwood Young America Planning Commission** 6:00 p.m., Tuesday, August 2, 2022 Norwood Young America City Council Chambers, 310 Elm St. W.

## **AGENDA**

1. Call to Order Pledge of Allegiance

2. Adoption of Agenda

Bill

3. Approve Minutes of July 5, 2022, meeting

Grundahl

4. Introductions, Presentations, and Public Comment

(Citizens may address the Planning Commission about any non-agenda item of concern. Speakers must state their name, address, and limit their remarks to three minutes. The Planning Commission will take no official action on these items but may refer the matter to staff for a future report or direct that the matter be scheduled for a future meeting.)

Paul Hallquist

5. Public Hearing

A. Ordinance Amendment No. 355 Kennel Conditional Use Permit Provisions

Bob Smith

6. Business

B. Update on Draft Ordinance 346 Accessory Ground Mounted Solar Systems

Craig

7. Miscellaneous

A. July Building Permit Report

8. Commissioner's Reports

9. Adjourn

### **UPCOMING MEETINGS**

August 5, 2022	NYA Food Distribution	2:00 – 3:30 PM
August 8, 2022	City Council Meeting	6:00 PM
August 9, 2022	Primary Election	7:00 AM to 8:00 PM City Council Chambers
August 10, 2022	Economic Development Commission Meeting	6:00 PM
August 16, 2022	Park and Recreation Commission Meeting	4:45 PM
August 18, 2022	Senior Advisory Meeting	9:00 AM
August 22, 2022	Workshop/EDA/City Council Meeting	5:00 PM/6:00 PM
August 25-28, 2022	Stiftungsfest!	Please see the website for schedule
September 6, 2022	Planning Commission Meeting	6:00 PM

# Jerry Barr

Mike **Eggers** 

Heher Council Liaison

## Norwood Young America Planning Commission Minutes July 5, 2022

Present: Commissioners Craig Heher, Jerry Barr, Paul Hallquist, Bill Grundahl, Bob Smith, Mike

Eggers

Absent: None

Staff: Andrea Aukrust - City Administrator, Karen Hallquist – Economic Development and

Marketing Director, Jared Johnson – Consulting Planner (WSB)

Public: Steve Curfman (Curfman Properties), Brenda Schmitz (REMAX)

1. Call to Order.

The meeting was called to order by Chair Heher at 6:00 pm. All those present stood for the Pledge of Allegiance.

2. Adoption of Agenda.

Motion: PH/JB to approve agenda as written. Motion passed 6-0.

3. Approve Minutes of June 7, 2022, meeting

Motion: ME/BG to approve the minutes as presented. Motion passed 6-0.

- 4. Introductions, Presentations, and Public Comment none
- 5. Public Hearing
  - A. 309 & 312 1st Street NE Rezoning and Comprehensive Plan Amendment

Heher opened the public hearing at 6:02pm. City Planner Johnson presented details on the City's request to rezone 309 & 312 1<sup>st</sup> Street NE. Possible redevelopment opportunities like contractor operations at 312 1<sup>st</sup> Street NE have failed due to current zoning designation. Johnson confirmed the following:

- Rezoning the two properties will not get rid of their outdoor storage CUP's.
- Rezoning from R-3 to C-3 needs a Comprehensive Plan Amendment from Low Density Residential to Downtown Mixed Use
- Richard Stolz, resident at 308 1<sup>st</sup> Street NE, submitted a letter to the City expressing concerns for the reasoning of rezoning.

Heher gave an overview of the letter. City staff had a conversation with Mr. Stolz on the reasoning for the rezoning. Economic Development and Marketing Director Hallquist gave an overview of staff's conversation with Mr. Stolz.

Motion: BS/PH to close the public hearing at 6:10pm. Motion passed 6-0.

Motion: BS/ME to recommend the City Council approve rezoning 309 & 312 1st Street NE from R-3 Medium Density Mixed Residential to C-3 Downtown District and Comprehensive Plan Amendment from Low Density Residential to Downtown Mixed Use. Motion passed 6-0.

### 6. Business

A. Discuss Draft Ordinance 346 Accessory Ground Mounted Solar Systems

Johnson gave an overview of previous recommendations based off research staff has done. This included:

- Allowing them only in the two Industrial districts.
- Including current screening language for outdoor storage in the Industrial districts.
- Adding a 15-foot maximum height requirement.

Johnson presented aerial photos of the industrial districts with shaded areas of each lot where the ground mounted solar systems could be placed. Smith discussed timing concerns for landscaping with trees as a means of screening. Trees will take years to grow sufficiently to screen the systems.

Commissioners discussed screening concerns with B-1 Industrial properties and the residential neighborhood off Oak Lane. Economic Development and Marketing Director Hallquist suggested removing the B-1 district from the ordinance if there are screening concerns from nearby residential areas. Commissioners agreed to remove the B-1 district from the ordinance.

City Administrator Aukrust would like end of life language included in the ordinance for cleanup and maintenance purposes.

Heher directed staff to draft two ordinances to present to the City Council. One ordinance allows them in the side and rear yard and the other ordinance allows them in the rear yard only. End of life language should also be included in the drafts.

### 7. Miscellaneous

A. June Building Permit Report – not available

8. Commissioners Reports

Grundahl gave praise to the booster club for doing good work on the city's parks and Old Town Architect project is moving forward.

Heher gave an update on City Council items:

- Fee Schedule ordinance
- Greenwood Marina, The Meadows 2<sup>nd</sup> Addition, and Central Schools projects all passed at June 13 meeting.
- 9. Adjourn

Motion: BS/BG to adjourn at 6:53pm. Motion passed 6-0.

Respectfully Submitted,



TO: NYA Planning Commission

FROM: Jared Johnson, Planning Consultant - WSB

DATE: August 2, 2022

SUBJECT: Ordinance Amendment Relating to Kennel Conditions

APPLICANT: U + B Architecture & Design on behalf of Carver Canines (Douglas Pritchard and

Laura Zimmerman)

REQUEST: Ordinance Amendment No. 355 Kennel Conditional Use Permit Provisions

### **Background**

U + B Architecture & Design, on behalf of Carver Canines, has applied for a zoning ordinance amendment to Chapter 12, Section 1210.06 Subd.3(B.13) Conditional Use Permit requirements for commercial kennels. Chapter 1210.06 Subd.3 outlines specific conditional use permit requirements for a variety of uses including kennels. Conditional use permit applications for commercial kennels, under the current zoning ordinance, must meet four criteria in addition to the general standards all conditional use permits must meet in Chapter 1210.06. To obtain approval, kennels must meet the following:

- a. The use shall not be located within 500 feet of any residential district.
- b. Any outdoor exercise area shall be screened from view from abutting property with a landscaping buffer strip having a minimum width of eight (8) feet, consisting of coniferous and deciduous trees.
- c. The site must be located on a collector street.
- d. The structures associated with the kennel operation must be a minimum of two hundred feet from a wetland area.

Carver Canines is requesting conditions "c" and "d" be removed from the section.

### Review

Carver Canines provided a narrative for their request to remove conditions "c" and "d" from the ordinance. Carver Canines would like to construct a dog boarding facility at 630 Railroad Drive. The site is zoned C-2 General Commercial where kennels are listed as a conditional use. The narrative states the additional requirements, specifically "a", "c", and "d" reduce the options for potential development sites within the City. Carver Canines believes 630 Railroad Drive is an excellent site for a dog boarding facility. The site is located more than 500 feet from the nearest

residential district and is 1.35 acres in size which accommodates the square-footage needed for both the building (4,000-5,000 SF) and outdoor play areas (5,000-7,000 SF). The site will also have high visibility from Highway 212.

Carver Canines states there is a wetland in the northwest corner of the site and is largely associated with Highway 212 runoff. Condition "d" would restrict the buildable area of 630 Railroad Drive to 15-17% of the total lot area. The wetland setback requirement does not leave enough room for the building, parking lot, and outdoor play areas. Railroad Drive is not a designated collector street, making the site unusable for a kennel use, due to condition "c".

Overall, Carver Canines is requesting conditions "c" and "d" be removed as the conditions are very restrictive and do not provide adequate locations for dog boarding operations in the community.

Staff believes conditions "c" and "d" are restrictive and are unnecessary for kennel operations in the City. There are only four designated collector streets in the City:

- County Road 31
- Elm Street
- Tacoma Avenue/3<sup>rd</sup> Avenue and Main Street
- 1st Street/County Road 34

All four designated collector streets are surrounded by residential neighborhoods zoned R-1 Low Density Residential or R-2 Medium Density Residential with the exception of the two downtown areas which are zoned C-3 Downtown District. Kennels are not permitted in residential districts. This leaves only the C-3 Downtown District properties where kennels are allowed and abut a collector street. These properties are small for a kennel operation and are most likely within 500 feet of a residential district which would not meet condition "a". The only feasible areas where kennel operations are allowed would be in the C-2 General Commercial district and B-1 Business Industrial district. The designated collector streets do not run through either district. If the zoning ordinance conditionally allows kennel operations in a commercial district, it should not matter if it is on a collector street. Commercially designated areas are typically intended to allow uses like dog boarding facilities. It is also unclear why this commercial use would require a collector road when other commercial uses, some with higher expected traffic volumes would not have the same standard. Staff finds condition "c" an unnecessary provision that should be removed.

Staff believes condition "d", "must be a minimum of 200 feet from a wetland area", to be onerous as well. The intended concern for condition "d" is believed to be from dog waste runoff. While dog waste is a valid concern for any animal care facility, staff believes proper containment measures can be put in place to avoid potential runoff issues. As a condition for approving a conditional use permit for a kennel facility, staff would require the applicant to have a detailed waste removal plan to ensure the outside play area is cleaned and sanitized properly. Condition "d" is unnecessary and can be addressed adequately by adding a condition of approval for a kennel facility. The City also has a wetland ordinance that requires a protective buffer of at least 25 feet surrounding all wetlands. Any type of development would be required to have a minimum setback of 25 feet from a wetland to provide proper filtration of runoff.

Removing the two conditions from the ordinance will allow Carver Canines to pursue development at 630 Railroad Drive and bring a desired business to the community. Staff does want to clarify that it is not anticipated that every new business to the community would prompt the need for an ordinance modification. The City should not be obligated to amend the City Code every time a new development does not conform to specific zoning ordinances. Code amendments should be considered if the amendment benefits the community as a whole and not individual properties or businesses. While the proposed zoning ordinance amendment benefits 630 Railroad Drive, the proposed conditions for removal would also not hinder any other potential kennel business moving to the City.

### Action

After discussion and holding the public hearing, staff is recommending the Planning Commission make a motion to recommend the City Council approve the requested zoning ordinance amendment to Chapter 12, Section 1210.06, Subd.3(B.13) removing conditions "c" and "d".

Attachments
Code Amendment Narrative
Ordinance Amendment No. 355



# City Code Amendment Request

memo date: July 14, 2022

project: Carver Canines at 630 Railroad Drive

U+B architecture and design assumes all information included below to be correct and current to the date listed above. If you find any information within this document in error, in need of correction or clarification, please notify U+B within 10 days.

Carver Canines is a new business that hopes to construct and operate a dog boarding facility or kennel in the City of Norwood Young America. The site in question is 630 Railroad Drive, which is located in the C-2 "General Commercial" zoning district along highway 212. Animal shelter and pet daycare is listed as a principal permitted conditional use in the C-2 zoning district. Under 'Standards for Granting a Conditional Use Permit' in the City Code, there are provisions specific to kennels. The following requirements for commercial kennels are listed:

- A. The use shall not be located within 500 feet of a residential district.
- B. Any outdoor exercise area shall be screened from view from abutting property with a landscaping buffer strip having a minimum width of (8) feet, consisting of coniferous and deciduous trees.
- C. The site must be located on a collector street.
- D. The structures associated with the kennel operation must be a minimum of two hundred feet from a wetland area.

Items 'A', 'C' and 'D', narrow the options for potential sites in Norwood Young America to very few. Furthermore, Carver Canines' building program will require a 4,000 - 5,000 SF facility with 5,000 - 7,000 SF of outdoor play areas. Sites that are 1acre-1.5 acres in size will provide the appropriate amount of space for the building program, the outdoor play areas, parking, and some additional space for future expansion. Sites that are much larger or smaller than 1 acre-1.5 acres are not well suited for this business.

In many ways, 630 Railroad Drive is an excellent site for a dog boarding facility. It is located 900+ feet away from the nearest residential district, which satisfies requirement 'A'. It is also the appropriate size, at 1.35 acres, and its proximity to Highway 212 will provide good visibility for customers. The issue is that this property includes a wetland in the NW corner of the site, that is largely associated with highway run-off, and Railroad Drive is not a collector street. Items 'C' and 'D', impose a specific hardship to Carver Canines. With these requirements, the current City Code will prohibit the construction of a dog boarding facility at this location. The 200 hundred foot setback restricts the buildable area of 630 Railroad drive to 15-17% of the total lot area. This does not leave enough room for the building, parking lot, and outdoor play areas. Additionally, Railroad Drive is not a collector street, so this would prohibit Carver Canines from utilizing this site entirely.

Carver Canines is requesting that items 'C' & 'D' be removed from the kennel requirements in 'Standards for Granting a Conditional Use Permit' in the Norwood Young America City Code. The provisions are very restrictive do not provide adequate location options for this desired business in your community.

## CITY OF NORWOOD YOUNG AMERICA ORDINANCE NO. 355

AN ORDINANCE AMENDING CHAPTER 12, SECTION 1210.06, SUBD.3(B.13) OF THE CITY CODE RELATING TO SPECIFIC CONDITIONAL USE PROVISIONS FOR KENNELS.

- I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS:
- II. SECTION 1210.06, SUBD. 3(B.13) SPECIFIC CONDITIONAL USE PROVISIONS FOR KENNELS SHALL BE AMENDED WITH THE FOLLOWING STRICKEN WORDS TO BE REMOVED:
  - 13. Kennels. The following applies to commercial kennels:
    - a. The use shall not be located within 500 feet of any residential district.
    - b. Any outdoor exercise area shall be screened from view from abutting property with a landscaping buffer strip having a minimum width of eight (8) feet, consisting of coniferous and deciduous trees.
    - c. The site must be located on a collector street.
    - d. The structures associated with the kennel operation must be a minimum of two hundred feet from a wetland area.
- III. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.

Adopted by the City of Norwood Young	America on theday of, 2022.
Attest:	Carol Lagergren, Mayor
Angela Brumbaugh, City Clerk	
Adopted: Published:	

# Building Permit - June 2022

PERMIT # NAME	ADDRESS	PURPOSE	DATE	PERMIT FEE	PLAN CHECK FEE	SURCHARGE VA	VALUE
	319 Reform Street	replace furnace & AC	1/10/2022	\$120.00	\$0.00	\$2.00	\$7.861.00
2022001 Allin Subhiah	640 RR Drive	Plumbing	1/10/2022	\$353.05	\$88.36		00.100,00
2022202 Madern Design	710 Faxon Road	Fire protection	1/10/2022	\$69.53	\$45.19		\$1,800,00
202203 Modelli Bellingt	OZO Localina	Civity Paromont	1/12/2022	\$43.35	42.00.0	ľ	00.000,14¢
2022004 hebecca stewart	570 Lakewood II all	offeretions	1/13/2022	\$415.45	\$4,006.06		\$20,000.00
2022003 ALL LLC	040 Kalli Oad Dilve	arrelations	1/15/2022	71,0/±¢	05.000,1¢		2133,109.00
2022006 Ernst Holdings	214 1st Street NE	reroot	1/20/2022	\$60.00	\$0.00		\$0.00
2022007 John Reuben	19 Central Avenue	Boiler Replacement	1/24/2022	\$60.00	\$0.00		\$6,292.00
2022008 Castle Gate Construction	560 Marsh Path	fireplace	1/24/2022	\$60.00	\$0.00		\$2,184.00
2022009 Castle Gate Construction	560 Marsh Path	deck	4/27/2022	\$230.25	\$149.66	\$6.00	\$13,700.00
2022010 Greenwood Marina	410 Tacoma Circle	New Construction	1/28/2022	\$31,937.82	\$2,376.77	\$259.50	\$518,976.00
2022011 J Reynolds	319 Lake Stree W	shower replacement	2/16/2022	\$167.05	\$69.58	\$3.00	\$4,000.00
2022012 Dean Scott Properties	225 Elm St West	heating	2/3/2022	\$199.45	\$129.64	\$5.00	\$10,000.00
2022013 Jean Gahl	709 Faxon	replacement windows	2/7/2022	\$60.00	\$0.00	\$1.00	\$26,969.00
2022014 St. John's Church	416 5th Ave NE	tower bracing	2/10/2022	\$203.70	\$129.64	\$2.00	\$10,000.00
2022015 Jeremy Brandenburg	865 Lakewood Trail	finish basement	3/4/2022	\$757.10	\$388.12	\$22.00	\$40,000.00
2022016 Amor Inc	300 Industrial Blvd	roof mounted solar	2/22/2022	\$1,063.20	\$685.56	\$47.50	\$94,500.00
2022017 Andrew Anderson	227 West Court	water softener	2/17/2022	\$15.00	\$0.00	\$1.00	\$200.00
2022018 Tim Willems	232 Upper Brand Lake	finish basement	2/23/2022	\$546.00	\$315.90	\$16.00	\$30,000.00
2022019 Steve Icard	980 Barnes Lake Drive	water heater	2/23/2022	\$15.00	\$0.00	\$1.00	\$0.00
2022020 Arun Subbiah	640 RR Drive #100	heating	2/28/2022	\$486.00	\$315.90	\$15.00	\$30,000.00
2022021 Arun Subbiah	640 RR Drive #100	plumbing	2/28/2022	\$823.70	\$205.93	\$32.50	\$65,000.00
2022022 Jim Reynolds	319 Lake St West	window replacement	4/28/2022	\$60.00	\$0.00		\$0.00
2022023 Kevin Gruenewald	126 Faxon Road S	rewindow	4/28/2022	\$60.00	\$0.00		\$0.00
2022024 Erin Allard	18 3rd Ave SE	Demo Interior	3/7/2022	\$200.00	\$0.00		\$0.00
2022025 822 Elm NYA	822 Elm ST W	Plbg	3/11/2022	\$60.00	\$0.00	\$1.00	\$0.00
2022026 Ron Ketcher	515 Elm St W						\$0.00
2022027 Jim Reynolds	319 Lake St West	rewindow	3/11/2022	\$60.00	\$0.00	\$1.00	\$0.00
2022028 Sue Mackenthun	328 4th St SW	front door	3/15/2022		\$0.00		\$0.00
2022029 Dona Herrmann	217 2nd Ave SE	reside	3/17/2022	\$60.00	\$0.00	\$1.00	\$0.00
2022030 CTW group	310 Shady Lane	rewindow	3/22/2022	\$60.00	\$0.00		\$0.00
2022031 Hantge McBride	218 Hill St W	rewindow	4/11/2022		\$0.00		\$5,000.00
2022032 Brett Nelson	1060 Lakewood Ct	Deck	3/28/2022		\$179.69		\$15,000.00
2022033 Kenny Schultz	219 Elm St W	alterations	4/28/2022	<b>V</b> }	\$460.33	\$	\$50,000.00
2022034 Mary Skolberg	715 Lakewood Tr	rewindow	3/29/2022	\$60.00	\$0.00	\$1.00	\$0.00
2022035 Alice Bunn	640 Railroad Drive	alterations	4/22/2022	\$137.85	\$89.60	\$3.00	\$6,000.00
2022036 Kayla Dammann	407 Tacoma Ave	reroof	3/30/2022	\$60.00	\$0.00	\$1.00	\$0.00
2022037 John Hennen	202 5th Ave NE	Furnace	4/1/2022	\$60.00	\$0.00	\$1.00	\$0.00
2022038 LaDean Lane	422 Adams Dr	rewindow	4/8/2022	\$60.00	\$0.00	\$ <del>1.00</del>	\$0.00
2022039 Clarence Rolf	401 Shady Lane	reroof	4/11/2022		\$0.00	\$1.00	\$0.00
2022040 Glen Hussong	404 Faxon	AC Replace	4/14/2022	\$	\$0.00		\$4,200.00
2022041 Ken Schwartz	403 4th Ave SW	Boiler Replacement	4/14/2022		\$0.00		\$0.00
2022042 Dean Johnson	213 Trilane Dr	water softener	4/20/2022	\$15.00	\$0.00	\$1.00	\$0.00

# Building Permit - June 2022

BL
reroof garage 4/25/2022
water sollener 4/25/2022 renoof 4/25/2022
4/27/2022
4/28/2022
5/2/2022
radon mitigaton system   5/16/2022
4/29/2022
4/29/2022
5/2/2022
5/22/2022
5/6/2022
5/10/2022
5/11/2022
5/13/2022
5/17/2022
AC Replace 5/16/2022
5/16/2022
5/31/2022
5/19/2022
6/28/2022
5/27/2022
Deck Replace   6/2/
6/28/2022
6/22/2022
6/10/2022
Deck reskin
6/10/2022
Bathroom remodel 6/22/2022
6/10/2022
ADA Entrance 6/22/2022
Renovation
6/15/2022
Solar panels 6/28/2022
radon mitigaton system 7/5/2022
6/16/2022
6/17/2022
New Home 6/21/2022

# Building Permit - June 2022